GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department - Police – Special permission for counting the EOL period from 20-2-2009 to 15-3-2011 for increments without actual monetary benefits in respect of late Sri M.Swamanna, ARPC 870, Kurnool District as per the Hon'ble APAT orders - Orders – Issued.

HOME (SER.II) DEPARTMENT

G.O.RT.No. 223 Dated: 26-02-2019

Read the following:-

From Director General of Police, Andhra Pradesh, Mangalagiri, Lr.Rc.No.248/T1/2017, dated: 06-07-2017.

@@@

ORDER:

In the reference read above, the DGP, A.P has stated that, the Superintendent of Police, Kurnool has informed that Sri M.Swamanna, ARPC 870, Kurnool District was handed upon a Major Charge under Rule-20 of A.P.C.S. (CC&A) Rules-1991, by the Superintendent of Police, Kurnool for the following delinquency:

> "He availed the [6] days sanctioned Casual Leave with permission from 12-02-2009 PM. He did not report for duty and absented without leave or permission from 20-02-2009 PM and completed the desertion period of 21 days. Hence, he was declared as a 'deserter' vide order C.No.A4/4909/2009 [D.O.No.185/2009] date: 21-03-2009. He acknowledged the desertion order on 29-03-2009. But he did not report for duty.
> Thus he exhibited gross neglect of duty in absenting himself from duty without leave or permission for more than 21 days from 20-02-2009 P.M. and thereby committed the offence of 'desertion' and continued un-authorized absence to duty for a period exceeding "One Year". Thus he violated Rule-3 of APCS [Conduct] Rules- 1964".

2. The Superintendent of Police, Kurnool District duly following the prescribed procedure in the APCS (CC&A) Rules, 1991, awarded the penalty of "Removal from Service" treating the un-authorized absence period from 20-02-2009 P.M. to 15-03-2011 A.M. as "Not on Duty", vide Proceedings dated.27-09-2011.

3. The petitioner has filed an O.A.No.8750/2011 in the Hon'ble APAT, Hyderabad against the above punishment. The Superintendent of Police, Kurnool has filed Counter in the above O.A. vide Letter PR.No.A6/29/2010, dt.29-12-2011. While the O.A. was pending in the Hon'ble APAT, Hyderabad, the applicant M.Swamanna expired on 14-03-2012. The Hon'ble APAT, Hyderabad passed the order on 07-07-2014 dismissing the O.A for the reason that there was no representation for the applicant even though the matter was posted under the caption of the "Dismissal ".

4. The Director General of Police has further stated Smt M.Laxmidevamma W/o late M.Swamanna, ARPC 870 and three (3) daughters impleaded as applicants/proposed applicants in the O.A by filing M.A.No.2540/2015, date.22-12-2015.

P.T.O.

5. The Hon'ble APAT, Hyderabad in its order dated: 08-02-2016 in O.A No.8750/2011 has made the following order:

> "Set-aside and the matter is remanded to the 1st respondent [i.e., the Superintendent of Police, Kurnool District] with a direction to impose lesser punishment than that of 'dismissal from service', 'removal' or 'compulsory retirement' upon the applicant. If the applicant has leave to his credit, his absence may be treated as eligible leave and in absence of its EOL, while counting that period for increments and pensionary benefits, without actual monetary benefit. Consequential pensionary benefits shall be released to the applicant Nos.2 to 5, who are legal heirs of the deceased, within a period of one month from the dated of a copy of this order". With the above directions, the O.A., is allowed. No costs".

6. The legal heirs filed Contempt application No.143/2017 in the Hon'ble APAT, Hyderabad in O.A.No.8750/2011 praying the Tribunal to summon the respondent herein and punish him for willfully and deliberately disobeyed the orders of the Hon'ble Tribunal passed in O.A.No.8750/2011 dt.08-02-2016.The Hon'ble APAT issued a notice dated: 13-04-2017 as follows:

> "Whereas the above CA has come up for orders as to admission upon perusing the application, the Tribunal by its order dt.13-04-2017 directed issuance of notice returnable in four weeks to the respondent herein show cause as to why the above C.A shall not be admitted for disobedience of the orders of the Hon'ble APAT, Hyderabad. Accordingly the notice has been issued by the Hon'ble APAT returnable in four weeks and the above C.A will be listed on 31-05-2017 for hearing."

7. The Director General of Police has also stated that the Superintendent of Police, Kurnool District has requested the Government to issue orders for special permission for counting the EOL period from 20-2-2009 to 15-3-2011 for increments without actual monetary benefits to Late Sri M.Swamanna, ARPC 870, Kurnool District.

8. Government, after careful examination, with reference to the records made available and keeping in view of the Hon'ble APAT orders, hereby accord special permission for counting the EOL period from 20-2-2009 to 15-3-2011 for increments without actual monetary benefits to Late Sri M.Swamanna, ARPC 870, Kurnool District as the PC has already expired.

9. The Director General of Police, A.P., Mangalagiri is requested to take necessary further action accordingly in the matter. The original records received through the letter 1st read above are returned herewith and receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R. ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, A.P., Mangalagiri (with records)
Copy to:-
The Individual concerned. (through the D.G.P., A.P.)
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER